

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**MICHELLE DOTSON, BRIGITTE
LOTT AND REGINOLD STEPHENS
INDIVIDUALLY, RONALD DOTSON,
INDIVIDUALLY AND AS
REPRESENTATIVE OF THE ESTATE
OF JANICE DOTSON-STEPHENS,
DECEASED**

Plaintiffs

v.

**BEXAR COUNTY, BEXAR COUNTY
HOSPITAL DISTRICT DBA
UNIVERSITY HEALTH SYSTEM,
BEXAR COUNTY PRE-TRIAL
SERVICES, UNKNOWN, UNNAMED
OFFICERS/EMPLOYEES OF THE
BEXAR COUNTY SHERIFF'S OFFICE,
UNKNOWN, UNNAMED OFFICERS/
EMPLOYEES OF THE BEXAR
COUNTY HOSPITAL DISTRICT DBA
UNIVERSITY HEALTH SYSTEM,
UNKNOWN, UNNAMED OFFICERS/
EMPLOYEES OF THE BEXAR
COUNTY PRE-TRIAL SERVICES**

Defendants

CASE NO. 5:19-cv-0083

**NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C §§ 1331 (FEDERAL
QUESTION JURISDICTION)**

COME NOW Defendants Bexar County, Bexar County Pretrial Services, and Mike Lozito and file this Notice of Removal pursuant to 28 U.S.C. § 1446(a), removing to this Court the state court action described below.

INTRODUCTION

1. On December 21, 2018, Plaintiffs “Michelle Dotson, Brigitte Lott and Reginold Stephens Individually, Ronald Dotson, Individually and as Representative of the Estate of Janice

Dotson-Stephens, Deceased” (collectively, “Plaintiffs”) filed an original petition in the District Court for the 408th Judicial District of Bexar County, State of Texas, which was assigned Cause Number 2018-CI-23979. In the original petition, Bexar County and “Bexar County Pre-Trial Services” are named as defendants, among others.

2. Plaintiffs’ claims relate to the death of Janice Dotson-Stephens while confined in the Bexar County Adult Detention Facility. Plaintiffs allege, in sum, that defendants failed to provide adequate medical care and screening to Ms. Dotson-Stephens and thereby “deprived [her] of her rights and privileges as a citizen of the United States” and “caused Janice Dotson-Stephens to suffer injury and death.” Against Bexar County and Bexar County Pretrial Services, Plaintiffs assert, in sum, causes of action for violations under 42 U.S.C. § 1983 and various state law claims.

3. On January 7, 2019, Bexar County was served with the original petition via personal service. On the same day, Bexar County Pretrial Services also was served with the original petition via personal service. A copy of the original petition and the respective citations served on Bexar County and Bexar County Pretrial Services are included in the Index. The Index, filed contemporaneously herewith, is incorporated by reference for all purposes.

4. On January 15, 2019, Plaintiffs filed a first amended petition (*see* Index at G). The first amended petition names Mike Lozito as a defendant, among others. In their first amended petition, Plaintiffs assert against Mike Lozito causes of action for violations under 42 U.S.C. § 1983 and various state law claims.

5. On January 25, 2019, Mike Lozito was served with the first amended petition by personal service. At the time of this notice of removal, a copy of the return of service for Mike Lozito was not available, but is noted in the State Court’s docket detail.

6. To the best of the undersigned attorney's knowledge, the documents contained in the Index comprise all of the filings to date in this matter with the following exceptions: (1) the Affidavit of Inability to Pay Costs of Janice Dotson-Stephens (the decedent; not a party to this lawsuit), which notes that it "contains sensitive data." In the abundance of caution, the undersigned counsel will file this document separately as an exhibit to a motion requesting permission to file under seal; and (2) the returns of service for the following defendants, which were not available at the time of this filing: Mike Lozito, Sheriff Javier Salazar, and The City of San Antonio.

7. Bexar County, Bexar County Pretrial Services, and Mike Lozito timely file this notice of removal within the 30-day period required by 28 U.S.C. § 1446(a).

BASIS FOR REMOVAL

8. Removal is properly based on federal question jurisdiction pursuant to 28 U.S.C. §§ 1331, 1441(a) because Plaintiffs claim that their federal rights were violated under 42 U.S.C. § 1983 by inadequate medical care and the failure to "keep Janice Dotson-Stephens safe and free from physical injury, harm, or death."

9. Pursuant to 28 U.S.C. §1441 and 1446, Defendants Bexar County, Bexar County Pretrial Services, and Mike Lozito remove this action to the United States District Court for the Western District of Texas, San Antonio Division, which is the judicial district and division in which the state court action is pending.

CONCLUSION

10. For these reasons, Defendants Bexar County, Bexar County Pretrial Services, and Mike Lozito respectfully request removal of this matter to this Honorable Court.

Respectfully submitted,
JOE D. GONZALES
Bexar County Criminal District Attorney

By: /s/ Robert W. Piatt III
ROBERT W. PIATT III
SBN: 24041692
Assistant District Attorney
101 W. Nueva – Civil Division
San Antonio, Texas 78205
(210) 335-0785 – Telephone
(210) 335-2773 – Fax
robert.piatt@bexar.org

CERTIFICATE OF SERVICE

I do hereby certify on the 30th day of January, 2019, I electronically filed the foregoing Notice of Removal with the Clerk of Court using the CM/ECF system, and that on the same day I served the following counsel of record by facsimile transmission and electronic mail:

Leslie Sachanowicz
Texas Bar No. 17503200
les.law@hotmail.com
Mary Pietrazek
Texas Bar No. 24102358
pzklaw@gmail.com
702 Donaldson Avenue, Suite 206
San Antonio, Texas 78201
(210) 951-9795
Fax: (210) 855-2045
Attorneys for Plaintiffs

Laura A. Cavaretta
Texas Bar No. 04022820
cavarettal@ckl-lawyers.com
Cavaretta, Katona & Leighner PLLC
One Riverwalk Place
700 N. St. Mary's Street, Suite 1500
San Antonio, Texas 78205
(210) 588-2901
Fax: (210) 588-2908
Attorney for Defendant University Health System

/s/ Robert Piatt
Robert W. Piatt III